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December 13, 2019

BY ECF

Hon. Vernon S. Broderick
U.S. District Judge, Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 415
New York, NY 10007

**APPLICATION GRANTED
SO ORDERED** 
VERNON S. BRODERICK
U.S.D.J. 12/16/2019

Re: Alfred Del Rio, et ano v. McCabe Weisberg & Conway, P.C., et al.
No. 1:19-cv-10312-VSB
Request to Extend Time to Respond to Complaint and Approve Briefing Schedule

Dear Judge Broderick:

We represent New Rez LLC d/b/a Shellpoint Mortgage Servicing (**Shellpoint**) and The Bank of New York Mellon f/k/a The Bank of New York, as trustee for the Certificateholders of CWALT Inc., Alternative Loan Trust 2007-11T1, Mortgage Pass-Through Certificates, Series 2007-11T1 (**BoNYM**), two of the defendants in the above-referenced case. We respectfully write, with the consent of plaintiffs' counsel Alexander Kadochnikov, Esq., to request an extension of time to serve and file a motion to dismiss the complaint and strike class allegations, and to propose a briefing schedule.

The reason for this request is that we need additional time to prepare a proper motion addressing the issues in this putative class action involving claims under the Fair Debt Collection Practices Act and N.Y. General Business Law § 349. This is the second request for an extension of time to respond to the complaint, the previous request having been granted on November 21, 2019, and extending Shellpoint and BoNYM's time to respond from December 3, 2019, to December 20, 2019.

I have consulted with Mr. Kadochnikov, and we have agreed jointly to propose the following briefing schedule for the motion

- Defendants' motion to dismiss to be served and filed on or before January 8, 2020
- Plaintiff's opposition to be served and filed on or before February 7, 2020
- Defendants' reply papers to be served and filed on or before February 21, 2020

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We note the co-defendant McCabe Weisberg & Conway, P.C.'s time to respond to the complaint has been separately extended to the same January 8, 2020 date defendants now seek to respond.

For the above reasons, we respectfully request the Court extend Shellpoint and BoNYM's time to respond to the complaint and approve the briefing schedule for defendants' motion to dismiss to which the parties' counsel have agreed.

Thank you for your consideration of these requests.

Respectfully,

/s/ Jordan M. Smith

Jordan M. Smith

cc: Alexander Kadochnikov, Esq. (by ECF)
Candidus Dougherty, Esq. (by ECF)